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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/682,396 | 10/09/2003 | Robert Junghuber | DE920020009US1 | 8403 |

7590 07/09/2008

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| EXAMINER | |
|---|---|
| KIM, HEE SOO | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2157 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 07/09/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

| | | |
|---|---|---|
| ***Office Action Summary*** | **Application No.**<br>10/682,396 | **Applicant(s)**<br>JUNGHUBER ET AL. |
| | **Examiner**<br>HEE SOO KIM | **Art Unit**<br>2157 |

***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-25* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-25* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *09 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☒ All b)☐ Some * c)☐ None of:
    1.☒ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

This action is responsive to application filed on October 9th, 2003.

Claims 1~25 are pending examination.

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The present invention provides," "In a preferred embodiment of the present invention," etc.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 25 in the preamble, recite “computer program product stored in the internal memory…” which lack proper support or antecedent basis.

### *Claim Objections*

Claims 1~4, 11, and 14 are objected to because of the following informalities:

- There is a misspelled word “typology”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1~25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, claim 1 recites "Portal-Sever program comprising: means...", claim 14 recites "Portal-Server with Workflow...", and claim 17 recites "Method...". It is noted that the described language above however is not an exhaustive list of errors.

Claim 1 recites a “Dynamic Assembly Module” for processing nodes (2nd limitation) and a “Dynamic Assembly Module” providing means to call said adapter (3rd limitation). It is vague and indefinite whether Applicant intended the “Dynamic Assembly Module” to provide one or both functionalities.

Claim 3 recites the limitation “the customization component.” There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation “the aggregation component.” There is insufficient antecedent basis for this limitation in the claim.

Claims 5 and 7 recite components between other components. It is vague and indefinite to determine the particular purposes for the components’ location.

Claim 6 recites "...fragment is created...on states of Internal or External Systems." It is vague and indefinite to determine the exact state of either system that contributes to creating the topology fragment.

Claim 11 recites the limitation "said External System is a Workflow Management System…" There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "…component which additionally…" It is vague and indefinite whether the component provides one or more functionality.

Claim 14 also recites the limitation "...said Workflow Adapter provides the means...from said Workflow Management System…to its associated…" There is insufficient antecedent basis for this limitation in the claim.

Claims 17 and 25 recites "…a certain Portal page…" It is vague and indefinite which portal page is determined to be marked as Dynamic Nodes.

Claims 17 and 25 also recites the limitation "said Dynamic Assembly Module." There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1~16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Computer programs executed in a computer are not physical "things". They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer program do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. Therefore, the claims are rejected as being software per se.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3~10, 17~19, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamada et al. hereinafter Hamada (U.S 2002/0078105).

Regarding Claim 1,
Hamada taught a Portal-Server program comprising:

means to add Dynamic Nodes to an existing typology tree [¶31, Ln. 11~15];

means to identify Dynamic Nodes in typology trees and to invoke a Dynamic Assembly module for processing said Dynamic Nodes [¶31, Ln. 11~15];

an Adapter which provides means to create a topology fragment [¶58, Ln. 4~8; ¶67, Ln. 4~7]; and

a Dynamic Assembly Module which provides means to call said Adapter, to validate a topology fragment provided by said Adapter, and to merge said topology fragment with said existing typology tree at run time [¶58, Ln. 4~8; ¶67, Ln. 4~7].

Regarding Claim 3,

Hamada taught said means to add Dynamic Nodes to an existing typology tree is part of the customization component [¶28, ¶31].

Regarding Claim 4,
Hamada taught said means to identify Dynamic Nodes in typology trees and to invoke a Dynamic Assembly module for processing said Dynamic Node is part of the aggregation component [¶28, ¶31].

Regarding Claim 5,
Hamada taught further comprising an Adapter Interface component between said Dynamic Assembly Module and said Adapter (Fig. 1).

Regarding Claim 6,
Hamada taught said topology fragment is created by said Adapter on states of Internal or External Systems [¶70~¶72].

Regarding Claim 7,
Hamada taught further comprising an Application Programming Interface (API) between Adapter and said External System [¶72].

Regarding Claim 8,
Hamada taught said External System is another Portal [¶70~¶72].

Regarding Claim 9,
Hamada taught further comprising a SOAP function component between said Adapter and said External System [¶16].

Regarding Claim 10,
Hamada taught said External System provides Web-Services [¶16].

Regarding Claim 17,
Hamada taught Method for dynamically assembling a topology tree of a Portal page by means of a Portal-Server application, comprising the steps of:

marking nodes of an existing topology tree of a certain Portal page as Dynamic Nodes, wherein said Dynamic Node references a fragment placeholder [¶31, Ln. 11~15];

calling an Adapter being assigned to said Dynamic Node by means of said Dynamic Assembly Module [¶31, Ln. 11~15];

creating an appropriate topology fragment by means of said Adapter at runtime [¶58, Ln. 4~8; ¶67, Ln. 4~7]; and

replacing said fragment placeholder by said topology fragment by means of said Dynamic Assembly Module at runtime [¶58, Ln. 4~8; ¶67, Ln. 4~7].

Regarding Claim 18,
Hamada taught further comprising the steps of:

assigning an expiry time to topology fragments which will not change for a given time [¶70~¶72]; and

replacing said fragment placeholder by said topology fragment by means of said Dynamic Assembly Module at runtime if said expiry time is not expired [¶58, Ln. 4~8; ¶67, Ln. 4~7].

Regarding Claim 19,
Hamada taught further comprising the steps of:

caching said topology fragments [¶207]; and

replacing said fragment placeholder by said cached topology fragments by means of said Dynamic Assembly Module at runtime if said Adapter does not receive a notification from said External System that said topology fragment has been changed [¶207, ¶208].

Regarding Claim 25,

Hamada taught computer program product stored in the internal memory of a digital computer, comprising:

instrumentation for marking nodes of an existing topology tree of a certain Portal page as Dynamic Nodes, wherein said Dynamic Node references a fragment placeholder [¶31, Ln. 11~15];

instrumentation for calling an Adapter being assigned to said Dynamic Node by means of said Dynamic Assembly Module [¶31, Ln. 11~15];

instrumentation for creating an appropriate topology fragment by means of said Adapter at runtime [¶58, Ln. 4~8; ¶67, Ln. 4~7]; and

instrumentation for replacing said fragment placeholder by said topology fragment by means of said Dynamic Assembly Module at runtime [¶58, Ln. 4~8; ¶67, Ln. 4~7].

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 11~16, and 20~24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada in view of Slatter (U.S 2002/0007300).

Regarding Claim 2,

Hamada taught substantially all the limitations of claim 1, however, did not specifically teach further comprising means for Authentication.

Slatter taught a portal with user login/logout function to allow the user to only have connections to those pages, components, information, tools, or applications that user needs to perform tasks [¶34, Ln. 35~34].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's portal with user login/logout function to provide means for authentication, as it would enable the user to login into its own designated portal page with relevant information tailored specifically to that user.

Regarding Claim 11,

Hamada taught substantially all the limitations of claim 1, however, did not specifically teach said Adapter is a Workflow Adapter and said External System is a Workflow Management System, wherein said Workflow Adapter provides the means to obtain work list and work items from said Workflow Management System, to map each work item to its associated Workflow Portal, and to create for each work item a Workflow Portlet node in said typology fragment.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Adapter obtain a workflow item from a Workflow System, mapping said workflow item to an associated Workflow Portlet; and returning said topology fragment, as it would allow tasks (topology fragments created) assigned to a Portlet to be performed efficiently without manual intervention [¶6].

Regarding Claims 12 and 15,

Hamada taught substantially all the limitations of claims 11 and 14, however, did not specifically teach further comprising a Workflow System Services component between said Workflow Adapter and said Workflow Management System.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to place a Workflow System Services component between said Workflow Adapter and said Workflow Management System. See motivation above.

Regarding Claims 13 and 16,

Hamada taught substantially all the limitations of claims 12 and 15, however, did not specifically teach further comprising a Workflow System Application Programming Interface component between said Workflow System Services component and said Workflow Management System.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to place a Workflow System Application Programming Interface component between said Workflow System Services component and said Workflow Management System. See motivation above.

Regarding Claim 14,
Hamada taught Portal-Server with Workflow integration comprising:

a Customization component which additionally provides means to add Dynamic Nodes to an existing typology tree [¶31, Ln. 11~15],

an Aggregation component which additionally provides means to identify Dynamic Nodes in typology trees and to invoke a Dynamic Assembly module for processing said Dynamic Nodes [¶31, Ln. 11~15];

a Dynamic Assembly Module which provides means to call said Workflow Adapter, to validate a topology fragment provided by said Workflow Adapter, and to merge said topology fragment with said existing typology tree at run time [¶58, Ln. 4~8; ¶67, Ln. 4~7].

Hamada taught a Workflow Adapter which provides means to create a topology fragment [¶58, Ln. 4~8; ¶67, Ln. 4~7], however did not specifically teach said Workflow Adapter provides the means to obtain work list and work items from said Workflow Management System, to map each work item to its associated Workflow Portlet, and to create for each work item a Workflow Portlet node in said typology fragment.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Adapter obtain a workflow item from a Workflow System, mapping said workflow item to an associated Workflow Portlet, and returning said topology fragment. See motivation of claim 11.

Regarding Claim 20,

Hamada taught creating a topology fragment containing said Portlet [¶58, Ln. 4~8; ¶67, Ln. 4~7], however, did not specifically teach said Adapter is a Workflow Adapter, wherein said Workflow Adapter comprising the steps of: obtaining a workflow item from a Workflow System; mapping said workflow item to an associated Workflow Portlet; and returning said topology fragment to said Dynamic Assembly Module.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶50].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Adapter obtain a workflow item from a Workflow System, mapping said workflow item to an associated Workflow Portlet; and returning said topology fragment, as it would allow tasks (topology fragments created) assigned to a Portlet to be performed efficiently without manual intervention [¶6].

Regarding Claim 21,

Hamada taught substantially all the limitations of claim 20, however, did not specifically teach said Workflow Portlet provides means to perform the tasks associated with said work item.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Workflow Portlet provide means to perform the tasks associated with said work item. See motivation above.

Regarding Claim 22,

Hamada taught substantially all the limitations of claim 21, however, did not specifically teach said Workflow Portlet calls the Workflow System to check out the work item and checks in the work item.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Workflow Portlet call the Workflow System to check out the work item and checks in the work item. See motivation above.

Regarding Claim 23,

Hamada taught substantially all the limitations of claim 22, however, did not specifically teach said Workflow Portlet receives said work item from a Workflow System Service.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Workflow Portlet receive said work item from a Workflow System Service. See motivation above.

Regarding Claim 24,

Hamada taught substantially all the limitations of claim 23, however, did not specifically teach said Workflow System Service communicates with said Workflow System via a Workflow System API which obtains the work items of a user, checks out said work items, and checks in said work item.

Slatter taught a Workflow Management component which assigns tasks by utilizing workflow templates. The templates include tasks (workflow items) that are assigned to users (mapping the task to associated Workflow Portlet) and to be completed in the order assigned. Once the tasks are completed, the workflow management component updates the status of all tasks assigned (returning the topology fragment) [¶38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, Slatter's workflow management component to enable the Workflow System API which obtains the work items of a user, check out said work items, and check in said work item. See motivation above.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. K./
6/23/08

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157